

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

MONDAY, THE 11TH DECEMBER 2006 / 20TH AGRAHAYANA 1928

WP(C).No. 30634 of 2006(V)

PETITIONER:

1. CHANDRASEKHARAN NAIR. M.E.,
S/O.NARAYANA PILLAI, AGED 52 YEARS,
MANICKATHU VEEDU, PALAI ROAD, ETTUMANOOR.
2. M.S. VIJAYAN, S/O.SIVASANKARA NAIR,
AGED 41 YEARS, MANDAPATHIL, PERIYAR,
KIDANGOOR, KOTTAYAM.

BY ADV. SRI.P.GOPAL

RESPONDENTS:

1. THE TRAVANCORE DEVASWOM BOARD,
REPRESENTED BY ITS SECRETARY,
NANTHANCODE, THIRUVANANTHAPURAM.
2. THE DEVASWOM COMMISSIONER, OFFICE OF
THE DEVASWOM COMMISSIONER, NANTHANCODE
THIRUVANANTHAPURAM.
3. THE DEPUTY DEVASWOM COMMISSIONER
OFFICE OF THE DEPUTY DEVASWOM COMMISSIONER
VAIKOM.
4. THE ASSISTANT COMMISSIONER,
OFFICE OF THE ASSISTANT COMMISSIONER
ETTUMANOOR.

BY SC SHRI. ANCHAL C. VIJAYAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11/12/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.K. DENESAN, J.

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W.P.(C)No. 30634 OF 2006 V
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Dated this the 11th December, 2006

J U D G M E N T

Heard counsel for the petitioners and the Standing Counsel for the Devaswom Board.

2. The petitioners have been working as Watchers in the Ettumanur temple. They were found, prima facie, guilty of dereliction of duty. Initially, the petitioners were transferred from Ettumanur temple to a minor temple. The allegation was that the kanikavanchi kept in front of the sub shrine of Nagaraja was found tampered and meddled with leading to loss of money paid by the devotees as offerings. The petitioners have made good the loss though they would contend that the incident happened not due to any lapses of their part.

3. Now, Exts. P5 and P6 orders have been passed by the Devaswom Commissioner placing the petitioners under suspension. The basis for the order of suspension appears to be the report submitted by the Deputy Commissioner. It is the submission of the petitioners that the Asst. Devaswom Commissioner had conducted on the spot enquiry and was satisfied about the innocence

of the petitioners, but the Deputy Devaswom Commissioner, without ascertaining the true facts submitted his report and the same has been acted upon by the Commissioner.

4. Exts. P5 and P6 orders are sought to be set aside. However, having regard to the appeals filed by the petitioners evidenced by Exts. P7 and P8 and before the Devaswom Board which has got the authority to look into all factual and legal aspects in the matter, I am inclined to dispose of this writ petition directing the respondent-Board to pass early orders on the appeals.

5. In the circumstances, there shall be an order directing the 1st respondent to consider Exts. P7 and P8 on merits, and based on the records including the statements, if any, recorded by the Asst. Devaswom Commissioner, pass orders as expeditiously as possible, at any rate, within three weeks on the petitioners producing a copy of the judgment.

The writ petition is disposed of as above.

K.K. DENESAN
JUDGE

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